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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,794	09/29/2003	Ronald P. Sansone	F-729	2973

7590 04/10/2009
Ronald Reichman Pitney Bowes Inc.
Intellectual Property, Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484

EXAMINER

MEHMOOD, JENNIFER

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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04/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RONALD P. SANSONE, ERIK MONSEN

Application No. 10/673,794
Technology Center 2600

Mailed: April 9, 2009

Before Deborah L. Perry, *Supervisory Paralegal Specialist, Review Team.*

Perry, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, HEADINGS

A review of the file indicates that the Examiner's Answer filed January 10, 2006, does not comply with the guidelines provided in MPEP § 1207.02 because it does not contain all of the required heading:

(1) *Real party in interest.*

EVIDENCE RELIED UPON

Section §1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed January 10, 2006, is deficient because the "Evidence Relied Upon" section fails to include the reference(s) Eberhardt et al.; Leon; De Souza et al. cited on pages 3, 5 in the Examiner's

Answer's grounds of rejection of Claims 1-5, and 8-12, 13 under 35 USC § 103 (a).

Appropriate correction is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) to vacate the Examiner's Answer mailed January 10, 2006;
- 2) to issue and mail a PTO-90, to properly include the:
 - 2a) Real Party In Interest; and
 - 2b) citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/llw

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